

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**OLIVIA Y., ET AL**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO. 3:04CV251LN**

**HALEY BARBOUR, ET AL.**

**DEFENDANTS**

**DEFENDANTS' PRIVILEGE LOG**

<b><u>Bates Label</u></b>	<b><u>Date</u></b>	<b><u>Description of Privileged Communication</u></b>
DHS 001564	undated	Note: Communication between MDHS and McGlinchey Stafford
DHS 003434	undated	Note: Communication between MDHS and McGlinchey Stafford
DHS 004054	undated	Note: Communication between MDHS and McGlinchey Stafford

Respectfully submitted,

HALEY BARBOUR, as Governor of the State of Mississippi; DONALD TAYLOR, as Executive Director of the Department of Human Services; and Billy Mangold, as Director of the Division of Family and Children's Services

By:   
Betty A. Mallett

OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I, Betty A. Mallett, do hereby certify that I have this day served a copy of the foregoing on counsel of record by electronic mailing:

W. Wayne Drinkwater, Jr., Esq.  
Melody McAnally, Esq.  
BRADLEY ARANT ROSE & WHITE LLP

Eric E. Thompson, Esq.  
CHILDREN'S RIGHTS

Stephen H. Leech, Esq.

Harold E. Pizzetta, III

and via United States Postal Service, postage prepaid, to:

Marcia Robinson Lowry, Esq.  
Shirim Nothenberg, Esq.  
CHILDREN'S RIGHTS  
404 Park Avenue  
New York, New York 10016

Eric S. Manne  
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345 Park Avenue  
New York, NY 10154

**SO CERTIFIED**, this the 4th day of March, 2005.

---

/s Betty A. Mallett

**3:04-cv-251 Notice will be delivered by other means to:**

Corene Kendrick(PHV)  
CHILDREN'S RIGHTS, INC.  
404 Park Avenue South, 11th Floor  
New York, NY 10016

Marcia Robinson Lowry(PHV)  
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**IN THE UNITED STATES DISTRICT COURT  
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OLIVIA Y., et al

PLAINTIFFS

vs

CIVIL ACTION NO. 3:04cv251LN

HALEY BARBOUR, et al.

DEFENDANTS

**DEFENDANTS' FIRST SUPPLEMENTAL RESPONSES TO PLAINTIFFS'  
FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS**

COME NOW Haley Barbour, as Governor of the State of Mississippi, Donald Taylor as Executive Director of the Mississippi Department of Human Services and Billy Mangold, as Director of the Division of Family and Children's Services ("Defendants"), by and through their attorneys of record, and file their first supplemental responses to Plaintiff's First Requests for Production of Documents, as follows:

**General Objection**

Defendants object to these Requests to the extent that they are overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following documents, which are subject to the Confidentiality Order entered by the Court on August 5, 2004:

Document Request No. 7: All regular or ad hoc management reports in your possession, custody or control, generated by MACWIS including but not limited to:

- a. Aggregate reports detailing regional and state data totals, such as discussed on page 21 of the Self-Assessment.
- b. Reports provided to the Quality Improvement Unit, the Foster Care Review Staff and Regional Directors.



- c. Monthly and quarterly reports generated for purposes of corrective action and system evaluation, including but not limited to reports concerning monthly contacts by caseworkers with foster children and the provision of medical care to foster children, such as described on page 49 of the Self-Assessment.
- d. Reports that identify children who have been in the custody of DHS 15 out of the last 22 months.
- e. Reports reflecting the number of abuse and neglect investigations that have been undertaken, including any reports that identify the number of investigations on in DHS custody.
- f. Custody Contact, Open Investigations and Permanency Reports.

Response No. 7: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following documents:

- 1) MDHS Listing of Children Currently in Custody with Conference Report Date More Than 6 Months – Detail (Bates No. DHS 001565-001624);
- 2) MDHS Pending Conference Reviews – Detail (Bates No. DHS 001625-003433);
- 3) MDHS Children Leaving Custody – Detail (Bates No. DHS 003435-003617);
- 4) Listing of Children Currently in Custody – Detail (Bates No. DHS 003618-004053, DHS 004055-005242);
- 5) Active Cases Without Active ISP – Detail (Bates No. DHS 005243-005836);
- 6) Dormant Cases - No Activity for 6 Months or More – Detail (Bates No. DHS 005843-006265);
- 7) ASFA Compliance Report – Children Who Have Been in Custody for 15 or More of the Past 22 Months – Detail (Bates No. DHS 006519-006961, DHS 006963-007152, DHS 007154-007247, DHS 007249-007340, DHS 007342-007433, DHS 007435-007526, and DHS 007528-007619);

- 8) ASFA Compliance Report - Custody that could not be processed correctly – Detail (Bates No. DHS 006862, 006962, 007153, 007248, 007341, 007434, and 007527);
- 9) MDHS Custody Contact Report – Detail (Bates No. DHS 007638-008380);
- 10) Investigations Open More Than 30 Days - ANE Child Only Records – Detail (Bates No. DHS 008433-009450 and DHS 009588-009739);
- 11) Investigations Open More Than 30 Days - ANE Adult Only Records – Detail (Bates No. DHS 009451-009587 and DHS 009740-009875);
- 12) Request for Reimbursement of Family & Children Services Funds – Detail (Bates No. DHS 017424-018014);
- 13) Listing of Children with Eligibility Status – Detail (Bates No. DHS 0018554-018989);
- 14) Listing of Children with Eligibility CWS – Detail (Bates No. DHS 018991-019003);
- 15) Listing of Children with Eligibility IVE – Detail (Bates No. DHS 019005-019025 and DHS 019027-019056);
- 16) Children who are Legally Free for Adoption – Detail (Bates No. DHS 019095-019149);
- 17) Adoptive Home Payment Register – Detail (Bates No. DHS 020128-020536);
- 18) Children with Court Ordered TPR Requests – Detail (Bates No. DHS 020565-020723);
- 19) Open Custody Cases: Summary & Exception Report – Detail (Bates No. DHS 020724-020735 and DHS 021029-021039);

- 20) Children in Custody without Valid Social Security Number – Detail (Bates No. DHS 021140-021217);
- 21) Active Incoming ICPC for other than Household Member or Inactive Case – Detail (Bates No. DHS 021218-021219);
- 22) List of Active Incoming ICPC Direct Services – Detail (Bates No. DHS 021222-021300);
- 23) Children with Re-Entries into Care – Detail (Bates No. DHS 021304-021377);
- 24) Independent Living Report for Children Over 14 in Custody – Detail (Bates No. DHS 021657-021744);
- 25) Stability of Foster Care Placements/Emergency Shelter Care – Detail (Bates No. DHS 021745-022006);
- 26) List of Placement Services – Detail (Bates No. DHS 022021-022071);
- 27) List of Preventive/Protective – Detail (Bates No. DHS 022072-022134);
- 28) Listing of Active Placement Children Age 14 & Older - Detail (Bates No. DHS 022135-022540);
- 29) Listing of Children Age 14 & Older who Left Custody – Detail (Bates No. DHS 022541-022607);
- 30) Children in Custody 14 & Over, 12th Grade & Higher – Detail (Bates No. DHS 022957-023225);
- 31) List of Direct Services – Detail (Bates No. DHS 023266-023363);
- 32) Listing of Open Cases – Detail (Bates No. DHS 023364-023426);
- 33) Listing of Closed Cases – Detail (Bates No. DHS 023427-023497);



34) Listing of Children 17 Years & 6 Months – Detail (Bates No. DHS 023498-023622);

35) Children with Custody-Case-Placement Errors – Detail (Bates No. DHS 023649-023739); and

36) Investigations with Narrative Errors – Detail (Bates No. DHS 024486-024667).

Document Request No. 8: All internal and external assessments, audits, evaluations or reviews of DFCS operations and practice in your possession, custody or control, including but not limited to documents generated by the Quality Improvement Unit, 6-month reviews, Peer reviews, Program Integrity Unit reviews and all documents regarding any response, corrective action or “action plan” requested or undertaken in relation to those assessments, audits, evaluations and reviews.

Response No. 8: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following documents:

1) Periodic Administrative Determination on Children in State’s Custody (Bates No. DHS 010277-010581; DHS 010583-010604; DHS 010606-010846; DHS 010848-012362; DHS 012364-012438; DHS 012440-012472; DHS 012474-013827).

Document Request No. 9: All reports in your possession, custody or control of case planning non-compliance issues generated by the Foster Care Review Program Administrator such as discussed on page 27 of the Self-Assessment and all responses to those reports, including but not limited to all responses from Regional Directors.

Response No. 9: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following documents:

- 1) Non-Compliance Issues Report (Bates No. DHS 013828-014298);
- 2) Foster Care Review Summary Report Issues in Foster Children's Cases Year 2002 (Bates No. DHS 026154-026555);
- 3) Foster Care Review Non-Compliance Issues and Responses from Regional Directors Year 2002 (Bates No. DHS 026556-026913); and
- 4) Foster Care Review Summary Report Issues in Foster Children's Cases Year 2003 (Bates No. DHS 026914-027355).

Document Request No. 20: The Foster Care Reviewers Monthly Activity Reports.

Response No. 20: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following, previously redacted, documents:

- 1) Foster Care Reviewers' Monthly Activity Reports 2002 (Bates No. DHS 014796; DHS 014823-014828; DHS 014832-014834; DHS 014867; DHS 014871; and DHS 014874-014875).
- 2) Foster Care Reviewers' Monthly Activity Reports 2003 (Bates No. DHS 014894; DHS 014914; DHS 014975; DHS 014981; DHS 014886; and DHS 014997); and

3) Foster Care Reviewers' Monthly Activity Reports 2004 (Bates No. DHS 015027; DHS 015038; and DHS 015101).

Document Request No. 29: All documents in your possession, custody or control concerning children in DHS custody who are awaiting new foster placements, certain specific placements or certain types of placements, such as therapeutic foster home placements, including but not limited to logs and wait lists.

Response No. 29: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

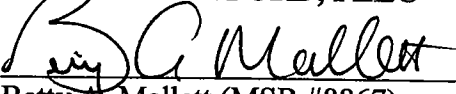
Without waiving objections, Defendants will produce the following documents:

1) Therapeutic Foster Care Placement Log & Pending Placements for January and February 2005 (Bates No. DHS 019258-019263).

Respectfully submitted,

**HALEY BARBOUR, as Governor of the State of Mississippi; DONALD TAYLOR, as Executive Director of the Department of Human Services; and BILLY MANGOLD as Director of the Division of Family and Children's Services**

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By:   
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**CERTIFICATE OF SERVICE**

I, Betty A. Mallett, do hereby certify that I have this day served a copy of the foregoing on counsel of record by United States Mail, postage prepaid to:

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**SO CERTIFIED**, this the 23rd day of March, 2005.

  
Betty A. Mallett